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# LABOR CLARION

LEADING ARTICLES—March 2, 1923.  
LAW OF BOYCOTT AND PICKETING  
THE GREED OF A WOLF  
TAX DODGING—WHO DOES IT?  
UNIONS PROVE MERIT  
WHY UNEMPLOYMENT?

OFFICIAL JOURNAL OF THE SAN FRANCISCO LABOR COUNCIL



## WE DON'T PATRONIZE LIST

The concerns named below are on the "We Don't Patronize List" of the San Francisco Labor Council. Members of Labor unions and sympathizers are requested to cut this out and post it.

American Tobacco Company.  
Compton's Restaurant, 8 Kearny.  
Block, J., Butcher, 1351 Taraval.  
European Baking Company.  
Gorman & Bennett, Grove.  
E. Goss & Co., Cigar Mnfrs., 113 Front.  
Great Western Grocery Co., 2255 Clement,  
844 Clement, 500 Balboa, 1852 McAllister,  
901 Haight, 5451 Geary, 700 Ninth Ave.,  
945 Cole.  
Gunst, M. A., cigar stores.  
Illinois-Pacific Glass Works.  
Levi Strauss & Co., garment makers.  
National Biscuit Co., Chicago, products.  
Players' Club.  
Regent Theatre.  
Schmidt Lithograph Co.  
The Emporium.  
Market Street R. R.  
United Cigar Stores.  
White Lunch Establishments.  
All Barber Shops open on Sunday are unfair.



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# A STORE OF THE PEOPLE

Market at Fifth

San Francisco

## Labor Council Directory

Labor Council meets every Friday at 8 p. m. at Labor Temple, Sixteenth and Capp Streets. Secretary's office and headquarters, Room 205, Labor Temple. Executive and Arbitration Committee meets every Monday at 7:30 p. m. Label Section meets first and third Wednesdays at 8 p. m. Headquarters telephone—Market 56.

Alaska Fishermen—Meet Fridays, 49 Clay.  
Asphalt Workers—Meet 2nd and 4th Mondays, Labor Temple.  
Auto Mechanics No. 1035—Meets Thursday evenings, 236 Van Ness Avenue.  
Automobile and Carriage Painters No. 1073—Meet Thursday evenings, Building Trades Temple.  
Baggage Messengers—Chas. Fohl, Secretary, 636 Ashbury.  
Bakers (Cracker) No. 125—Meet 3rd Monday, Labor Temple.  
Bakers' Auxiliary (Cracker)—Meets 1st and 3rd Tuesdays, 1524 Powell.  
Bakers No. 24—Meet 1st and 3rd Saturdays, Labor Temple.  
Bakery Wagon Drivers—112 Valencia.  
Barbers—Meet 1st and 3rd Mondays, 112 Valencia Street.  
Bartenders No. 41—Meet 1st Mondays at 2:30, 3rd Mondays in evening at 8:00, 1075 Mission.  
Beer Drivers—177 Capp.  
Bill Posters—Meet 2nd and 4th Mondays, 109 Jones.  
Blacksmiths and Helpers No. 168—Meet 1st and 3rd Tuesdays, Labor Temple.  
Boilermakers No. 6—Headquarters, 2923 16th St.  
Bookbinders—Meet 3rd Friday, Labor Temple.  
Boot and Shoe Workers No. 216—Meet 2nd and 4th Wednesdays, Twenty-fourth and Howard.  
Bottlers No. 293—Meet 3rd Tuesdays, 177 Capp.  
Box Makers and Sawyers—Meet 1st and 3rd Tuesdays, 177 Capp.  
Brewery Workmen No. 7—Meet 2nd and 4th Thursdays, 177 Capp.  
Bricklayers No. 7—Meet Tuesdays, Building Trades Temple.  
Broom Makers—John A. Martin, Secretary, 3546 Nineteenth. Meet 1st Saturday, Labor Temple.  
Butchers No. 115—Meet Wednesdays, Labor Temple.  
Butchers No. 508 (Slaughterhousemen)—Meet 1st and 3rd Tuesdays, Laurel Hall, Seventh and R. R. Ave.  
Carpenters No. 22—Meet Fridays, Building Trades Temple.  
Carpenters No. 304—Meet Mondays, 112 Valencia.  
Carpenters No. 483—Meet Mondays, 112 Valencia.  
Carpenters No. 1082—Meet Tuesdays, 112 Valencia.  
Casket Trimmers No. 94.  
Cemetery Employees—Meet 1st and 3rd Saturdays, Labor Temple.

Chauffeurs No. 265, I. B. of T.—Meet 2nd and 4th Thursdays, 8 p. m., California Hall, Turk and Polk.  
Cigarmakers—Meet 1st and 3rd Thursdays, Labor Temple.  
Cloth Hat and Cap Makers No. 9.  
Cooks' Helpers—Meet 2nd and 4th Wednesdays, 451 Kearny.  
Cooks No. 44—Meet 1st and 4th Thursday nights at 8:30, and 3rd Thursday afternoon at 2:30, 580 Eddy.  
Coopers No. 65—Meet 2nd and 4th Tuesdays, Labor Temple.  
Draftsmen—Meet 1st Thursday, Labor Temple.  
Dredgemen—268 Market.  
Egg Inspectors—Meet 2nd and 4th Wednesdays, Labor Temple.  
Electrical Workers No. 6—Meet Wednesdays, Building Trades Temple.  
Electrical Workers No. 151—Thursdays, 112 Valencia.  
Elevator Operators and Starters—Meet 2nd and 4th Wednesdays, Labor Temple.  
Federal Employees' Union No. 1—Meet 1st Tuesday, Native Sons Hall; headquarters, 746 Pacific Building.  
Federation of Teachers—Labor Temple.  
Felt and Composition Roofers No. 25—Meet 1st and 3rd Mondays, Building Trades Temple.  
Ferryboatmen's Union—Meets Wednesdays at 166 Steuart.  
Furniture Handlers No. 1—Meet 2nd and 4th Fridays, Building Trades Temple.  
Fur Workers—273 Golden Gate Avenue.  
Garment Cutters—Meet 2nd and 4th Thursdays, Labor Temple.  
Garment Workers No. 131—Meet 1st and 3rd Thursdays, Labor Temple.  
Gas and Electric Fixture Hangers No. 404—Meet 2nd and 4th Mondays, Building Trades Temple.  
Glass Bottle Blowers—Meet 2nd and 4th Saturdays, Labor Temple.  
Glass Packers, Branch No. 45—Meet 1st and 3rd Saturdays, Labor Temple.  
Granite Cutters—Meet 2nd and 4th Tuesdays, Building Trades Temple.  
Grocery Clerks—Meet 1st Thursday, Labor Temple; office hours 9 to 11 a. m.  
Hatters' Union—J. Grace, Sec., 1114 Mission.  
Horseshoers—Meet 3rd Wednesdays, Labor Temple.  
Hospital Stewards and Nurses—E. N. Cummings, Secretary, 157 20th Ave.  
Ice Wagon Drivers—Meet 2nd and 4th Mondays, Labor Temple.  
Iron, Steel and Tin Workers No. 5—Meet 1st and 2nd Saturdays, Metropolitan Hall, South San Francisco.  
Janitors—Meet 1st and 3rd Thursdays, 8 p. m., Labor Temple.  
Jewelry Workers No. 36—44 Page.  
Ladies' Garment Workers No. 8—511 Phelan Bldg.  
Lithographers No. 17—Room 156, 268 Market.

Laundry Wagon Drivers—Meet 2nd and 4th Wednesdays, Labor Temple.  
Laundry Workers—Meet 1st and 3rd Mondays, Labor Temple headquarters, Labor Temple.  
Letter Carriers—Meet 1st Saturday, Los Angeles Hall, Native Sons' Building.  
Machinists No. 68—Meet Wednesdays, Labor Temple.  
Mallers—Meet 3rd Sunday, Labor Temple.  
Marine Gasoline Engineers No. 471—Meet Thursdays, 10 Embarcadero.  
Metal Polishers—Meet 1st and 3rd Mondays, Labor Temple.  
Milk Wagon Drivers—Meet Wednesdays, Labor Temple.  
Molders No. 164—Meet Tuesdays, Labor Temple.  
Molders' Auxiliary—Meets 2nd and 4th Fridays, Labor Temple.  
Moving Picture Operators, Local No. 162—Meet 2nd and 4th Thursdays, 10 a. m., 109 Jones.  
Musicians—Headquarters, 68 Haight.  
Newsboys' Union No. 17568—1254 Market.  
Office Employees—Meet 2nd and 4th Wednesdays, Labor Temple.  
Painters No. 19—Meet Mondays, Building Trades Temple.  
Pastemakers No. 10567—Meet Last Saturday at 442 Broadway.  
Pattern Makers—Meet 2nd and 4th Friday nights, Labor Temple.  
Photo Engravers No. 8—Meet 1st Monday, Labor Temple.  
Picture Frame Workers—Meet 1st and 3rd Fridays, Labor Temple.  
Pile Drivers, Bridge and Structural Iron Workers—Meet Thursdays; headquarters, 457 Bryant.  
Plasterers No. 66—Meet Mondays, Building Trades Temple.  
Plumbers—Meet Fridays, Building Trades Temple.  
Postoffice Clerks—Meet 4th Thursdays, Knights of Columbus Hall.  
Printing Pressmen and Assistants No. 24—Meet 2nd Mondays, Labor Temple.  
Professional Embalmers—3300 16th St.  
Railroad Boilermakers—Meet 2nd and 4th Fridays, Labor Temple.  
Railroad Machinists—Meet 2d and 4th Thursdays, Labor Temple.  
Retail Clerks No. 432—Meet 1st and 3rd Thursdays, 8 p. m., 150 Golden Gate Ave.  
Retail Delivery Drivers—Meet 2nd and 4th Thursdays, Labor Temple.  
Retail Shoe Clerks No. 410—Meet Tuesdays, 8 p. m., 273 Golden Gate Ave.  
Riggers and Stevedores—Meet Mondays, 113 Steuart.

Sailors' Union of the Pacific—Meet Mondays, Maritime Hall Building, 59 Clay.  
Sail Makers—Meet 1st Thursday at Labor Temple.  
Sausage Makers—Meet 2nd and 4th Mondays.  
Sheet Metal Workers No. 95—Meet 2nd Thursdays, 224 Guerrero.  
Sheet Metal Workers No. 104—Meet Fridays, 224 Guerrero.  
Shipyard Laborers—Meet 1st and 3d Fridays, Labor Temple.  
Sign and Pictorial Painters No. 510—Meet Fridays, Building Trades Temple.  
Stable and Garage Employees—Meet 2nd and 4th Thursdays, Labor Temple.  
Stationary Firemen—Meet 1st and 3d Tuesdays, Labor Temple.  
Steam Engineers No. 64—Meet Tuesdays, Building Trades Temple.  
Steam Shovel and Dredgemen No. 29—268 Market.  
Steam Fitters No. 590—Meet 1st and 3rd Wednesdays, Labor Temple.  
Stereotypers and Electrotypers—Meet 2nd Sunday, Labor Temple.  
Stove Mounters No. 62.  
Street Railway Employees, Div. 518—Meet 2nd and 4th Thursdays, Labor Temple.  
Tailors No. 80—Meet 2nd and 4th Mondays, Labor Temple.  
Teamsters No. 85—Meet Thursdays, 536 Bryant.  
Teamsters No. 216—Meet Saturdays, Building Trades Temple.  
Theatrical Employees—Meet 1st and 3rd Tuesdays, 11 a. m., 68 Haight.  
Tobacco Workers—Meet 3rd Fridays, Building Trades Temple. Miss M. Kerrigan, Secretary, 290 Fremont.  
Trackmen No. 687—Meet 2nd Tuesdays, Labor Temple.  
Typographical No. 21—Meets 3rd Sunday, Labor Temple; headquarters, 701 Underwood Bldg.  
United Glass Workers—Meet Wednesdays, Building Trades Temple.  
United Laborers—Meet Tuesdays, Building Trades Temple.  
Upholsterers—Meet Tuesdays, Labor Temple.  
Walters No. 30—Meet every Wednesday, 3 p. m., except last Wednesday in month, when the meeting is at 8:30 P. M., at 1256 Market.  
Water Workers—Meet 1st Monday, Labor Temple.  
Waitresses—Meet Wednesdays, 1075 Mission.  
Warehouse and Cereal Workers—Meet Tuesdays, 457 Bryant.  
Watchmen—Meet 3rd Thursday, 8 p. m., Labor Temple. Emmet Counihan, 1610 Folsom.  
Web Pressmen—Meet 4th Sunday, Labor Temple.



# LABOR CLARION

The Official Journal of the San Francisco Labor Council

VOL XXII

SAN FRANCISCO, FRIDAY, MARCH 2, 1923

No. 5

## -:- Law of Boycotts and Picketing -:-

Liability of Labor Union or Its Members for Circulating False Statements as to Industrial Disputes.—A labor union circulating such false statements will be enjoined, 198 Ill. App. 568, where the false statement was made that a strike was on at the plaintiff's place of business. To the same effect, 236 Mass. 191; 207 Mass. 394; 118 Mich. 497; in the latter case the false statements were relative to the merits of the controversy between the employers and the employees; 56 N. Y. Supp. 123, where it was falsely circulated that the employer ran a non-union office, and had discharged union workmen. Such injunction is not a violation of free speech, 1 Ch. (England) 571. To the contrary, refusing the aid of equity to restrain publication of matter that might be considered libelous, 24 Ohio L. J. 189; 100 N. Y. Supp. 292.

In California, it was held in the case of Goldberg, Bowen Co. v. Stablemen's Union, 149 Cal. 429, 86 Pac. 806, that while it is within the jurisdiction of the court to enjoin the use by a labor union of placards and statements threatening persons who patronize the complainant, in connection with the picketing of his premises, the injunction should not be so extended as to prevent the defendants from expressing opinions of the complainants and their business, which at most would constitute merely a slander. Damages have been awarded against labor unions for circulating false statements to the injury of the employer, in 226 Mass. 191, 231 Mass. 220.

Under the Montana Constitution, which, like that of California, provides that every person shall be free to speak, write or publish his sentiments on any subject, being responsible for the abuse of that liberty, it was held in Lindsay & Co. v. Montana Federation of Labor, 37 Mont. 264, 96 Pac. 127, that equity would not enjoin the publication by a labor union of matters claimed to be libelous and injurious to an employer of labor.

Where the publication of the fact that a firm is on the unfair list can be proven to work to the financial injury of an employer, the union responsible for such publication may be prosecuted as for a libel, 169 Ky. 64.

The Boycott as a Weapon in Industrial Disputes.—In the case of Pierce v. Stablemen's Union, 156 Cal. 70, 103 Pac. 324, the court draws a distinction between primary and secondary boycotts. The same classification is made in American Federation of Labor v. Buck's Stove & Range Co., 33 App. D. C. 128. Both kinds are lawful in California, but secondary boycotts are held illegal in nearly all other states.

Where a boycott is regarded on the theory of being a form of conspiracy, the court looks to the lawfulness or unlawfulness of the purpose of the conspiracy or of the means used in its prosecution. Under this theory it is frequently held that if the primary purpose of the boycott is to injure the employer's business rather than to benefit the members of the union, the boycott is illegal.

The other theory of an unlawful boycott is that the essence of the wrong lies in the combination itself, the mere force of numbers giving a coercive character to acts themselves perfectly lawful. Among cases sustaining this theory are: Oxley Stave Co. v. Coopers' Int. Union, 72 Fed. 695; Chalmers Co. v. Iron Molders' Union, 150 Fed. 155. This theory was attacked in Lindsay & Co. v.

Montana Federation of Labor, 37 Mont. 264, 96 Pac. 127, as a sort of legal legerdemain, by making acts individually lawful unlawful when viewed in the aggregate, or as equivalent to holding that adding up a sufficient number of ciphers will make a unit. The criticism is based upon the principle that conspiracy of itself furnishes no cause of action, from which it should follow as a consequence that many may combine to do what only one of them may lawfully do.

The great preponderance of opinion is, however, that the unlawful means which will render a combination to do an act by such means a conspiracy are not necessarily such as would be wrongful if employed by a single individual, but that the mere force of numbers may create a difference, not only of degree, but also of kind. Aikens v. Wisconsin, 195 U. S. 194; Loewe v. California State Federation of Labor, 139 Fed. 71, etc. One of the reasons assigned to explain the increased power of combination to inflict injuries beyond the power of an individual, is that any injury inflicted by him, though wrongful, is not actionable under the principle, "De minimis non curat lex" (the law does not concern itself about trifles). One reason advanced to justify this theory of combination being the essence of the wrong is to give emphasis to the view regarding the combination, not as one to do the act, but to effect the results of the acts of many acting in concert.

The true view appears to be that the tort involved is a nuisance (see Alfred W. Booth & Bro. v. Burgess, 72 N. J. Eq. 181), the existence of which is dependent upon the degree of annoyance inflicted upon those to whom the plaintiff looks for patronage, and the actionable quality of which depends upon the point at which the right to conduct one's business without interference ceases to be regarded merely as a permissive right, and becomes also a protected right. Under this view Mr. Justice Holmes, in Aikens v. Wisconsin, 195 U. S. 194, held that the act done in combination derives its character from the consequences which follow it under the circumstances under which it is done. The right to conduct one's business without interference has been termed "a right to a free market." According to one view this means simply a right to a market in which no compulsion is put on the will of others. According to another view, it means a right to a market in which transactions proceed according to the ordinary laws of trade, without interference other than may be occasioned by the bona fide exercise of rights by others.

It is the absolute right of every man to engage to work for or to deal with, or to refuse to work for or to deal with any man, or class of men, as he sees fit, whatever his motive, or whatever the resulting injury, without being held in any way accountable therefor. United States v. Colgate & Co., 250 U. S. 306, and innumerable other cases. He may likewise advise his friends or the public to do the same. Oxley Stave Co. v. Coopers' Int. Union, 72 Fed. 695, and many other cases.

These rights he may exercise in association with others, so long as they all have a proper interest to subserve. Truax v. Bisbee Local C. W. U., 19 Ariz. 379, 171 Pac. 121, American Federation of Labor v. Buck's Stove & Range Co., 33 App. D. C. 83, 32 L. R. A. (N. S.) 749, and other cases.

So also in Empire Theater Co. v. Cloke, 53 Mont. 183, 163 Pac. 107, it is said that labor unions may publish and pursue a lawful boycott against any person or enterprise deemed by them to be unfriendly, and the combination of such unions or their members for such purposes cannot be viewed as a conspiracy.

Such a request to boycott must serve a legitimate purpose of the person making it. Harvey V. Chapman, 226 Mass. 191; Roraback v. Motion Picture Machine Operators' Union, 140 Minn. 481; Jensen v. Cooks' and Waiters' Union, 39 Wash. 531, 81 Pac. 1069; and other cases.

The request not to patronize, if made to serve a legitimate purpose, does not become actionable because of hatred of such person, Gill Engraving Co. v. Dorr, 214 Fed. 111. But it must not so exceed the bounds of persuasion as to become minatory (i. e., involving what is deemed to be menace in law). Rosenberg v. Retail Clerks' Assn., 177 Pac. 864; Hopkins v. Oxley Stave Co., 28 C. C. A. 99, 83 Fed. 912, and other cases.

The circulation of such a request, with above qualifications, has been held not to violate a statute providing in substance that, if two or more persons conspire to prevent another from exercising a lawful calling by force, threats or intimidation, each is guilty of a misdemeanor. People v. Radt, 15 N. Y. Crim Rep. 174, 71 N. Y. Supp. 846.

Legality of Purpose of Boycott.—A boycott to compel one to refrain from working as an operative in his own business is unlawful. Roraback v. Motion Picture Machine Operators' Union, 140 Minn. 481.

A boycott by members of a labor union to compel owner of a retail business to coerce his employees to pay back dues to the union or to discharge them is unlawful. Harvey v. Chapman, 226 Mass. 191.

The following have been held legitimate objects of industrial disputes:

The advancement or maintenance of wages. Pierce v. Stablemen's Union, 156 Cal. 70, 103 Pac. 324.

Shorter periods of labor, same case.

The betterment of working conditions, same case.

The payment of wages during working hours, 200 Mass. 110.

The limitation of the number of apprentices, 26 Or. 527, 38 Pac. 547.

Giving the employer the alternative of dispensing with the services of others, Clemmet v. Watson, 14 Ind. App. 38, and other cases, provided, however, that such other persons are not under contract of service for a definite period, Read v. Friendly Society, 2 K. B. (Eng.) 732.

The courts are divided in their opinions as to the lawfulness of boycotts instituted to establish the "closed shop." (No California cases.)

Legality of the Means Employed.—A request to the public not to patronize the person boycotted must not exceed the bounds of legitimate persuasion. What those bounds are depend upon the circumstances of each particular case. There is the greatest variety of opinion among the courts on this subject, so that what some courts condemn, other courts pronounce lawful.

The words "threat," "intimidation" and "inter-



ference" are frequently used with the utmost lack of precision and uniformity of meaning.

They should all be understood in their legal sense, as every shade of meaning is not to be deemed included in the definition of what the law forbids. In an early case, *Payne v. Western & A. R. Co.*, 13 Lea (Tenn.) 507, still the best interpretation of these words, it was said: "In law, a 'threat' is a declaration of an intention or determination to injure another, by the commission of some unlawful act, and an 'intimidation' is the act of making another timid and fearful by such declaration. If the act intended to be done is not unlawful, then the declaration is not intimidation in the legal sense. The same clear and logical view was pronounced by Sloss, J., in the case of *Parkinson Co. v. Santa Clara Building Trades Council*, 154 Cal. 581, 98 Pac. 1027, stating: "One cannot be said to be 'intimidated' or 'coerced,' in the sense of unlawful compulsion, by being induced to forego business relations with A., rather than lose the benefit of more profitable relations with B. It is equally beside the question to speak of 'threats,' where that which is threatened is only what the party has a legal right to do."

But later decisions of the courts have deviated from this view, and hold that 'interference' of any kind is actionable, if it operates to prevent a person from freely doing what he desires. It is the pursuit of this view that has led judges to declare in recent cases that even so-called 'peaceful picketing' is unlawful and may be restrained by injunction or prohibited by ordinance. The most extreme case in California so holding is that of the District Court of Appeal in the case of *Moore v. Cooks', Waiters' and Waitresses' Union*, 170 Pac. 417, where the union stationed a single picket wearing a white ribbon across the breast in front of the "unfair" restaurant, and this picket was maintained for some months for a few hours at meal times, thereby as the court found "giving publicity and public notoriety calculated and intended to give notice, and did give notice, to persons passing said place of business, or intending to patronize the same, that said place of business was under boycott, and that its patronage was opposed by organized labor."

The court deemed the conduct of the pickets to constitute a private nuisance as it affected the restaurant keeper and held it an invasion of his individual rights. Many decisions are quoted in the opinion of the court, but none of these analyze, as above, the elements constituting intimidation and coercion of which they so bitterly complain. In view of the constitutional rights of the defendants to freedom of speech, which includes the right of persuasion, the right of advertising one's sentiments and grievances, telling the truth about the wrong committed against him by another, with the evident purpose in view of securing redress or a discontinuance of the wrong with the aid of the public, it is indeed inexplicable to find the court indulging in expulcatory language in behalf of the employer like the following: "The picketing of the plaintiff's place of business, with instructions to walk up and down the pavement in front thereof, and the patrol of said picket in accordance with said instructions in front of plaintiff's place of business, was and is unlawful, illegal and a trespass and illegal injury to the property rights of the plaintiff, and an illegal restraint of trade."

The declaration is not legal reasoning, but amounts only to the vulgar calling of names, and the entire decision is but sound and fury where one would have expected a learned and logical analysis of the elements constituting the act under condemnation.

In contrast with these verbose but senseless oburgations of the California jurists sitting in this case, Thomas, Finlayson, and Sloane, we may

turn with profit to what William Howard Taft said, on a similar state of facts, in the case of *American Steel Foundries v. Tri-City Central Trades Council*, decided by the United States Supreme Court December 5, 1921, in applying thereto the provisions of Section 20 of the Clayton Act, which permits picketing and prohibits the judiciary to issue an injunction against such conduct "unless necessary to prevent irreparable injury to property or a property right for which injury there is no adequate remedy at law." Taft says: "It is clear that Congress wished to forbid the use by the Federal courts of their equity arm to prevent peaceable persuasion by employees, discharged or expectant, in promotion of their side of the dispute, and to secure them against judicial restraint in obtaining or communicating information in any place where they might lawfully be. This introduces no new principle into the equity jurisprudence of those courts. It is declaratory merely of what was the best practice always." This means that in the absence of the Clayton Act or similar statute any equity court should act exactly as the statute would have them act. Chief Justice Taft and the Supreme Court recognize that the dissatisfied employees have some rights in the premises equally with the employer, among other such rights being specifically to be in front of the place of business of the employer for the purpose of observing and in a peaceful manner persuading employees and the public to take their view of the dispute and assist them in winning same by doing each what they may lawfully do in promoting that object. Taft recognizes so-called "peaceful picketing" in these words: "We think that the strikers and their sympathizers engaged in the economic struggle should be limited to one representative for each point of ingress and egress in the plant or the place of business, and that all others be enjoined from congregating or loitering at the plant or in the neighborhood streets by which access is had to the plant; that such representatives should have the right of observation, but with special admonition that their communication, arguments and appeals shall not be abusive, libelous or threatening, and that they shall not approach individuals together, but singly, and shall not, in their single efforts at communication or persuasion, obstruct an unwilling listener by importunate following or dogging his steps. This is not laid down as a rigid rule, but only as one which should apply to this case under the circumstances disclosed by the evidence, and which may be varied in other cases. . . . The purpose should be to prevent the inevitable intimidation of the presence of groups of pickets, but to allow missionaries."

Thus according to almost unanimous opinion of the United States Supreme Court (Justice Clarke only dissenting, probably because he goes further in allowing picketing than the rest), it is in accordance with good equity practice to allow not only pickets to be stationed in front of an unfair place of employment, but also to allow them to talk to, argue with and seek to persuade employees, customers or those dealing or seeking to deal with the unfair concern to come over to the side of the striking employees.

After this clear and explicit declaration of the highest court in the land, there can be no doubt that all courts and judges that have condemned all picketing, including so-called peaceful picketing, saying there can be no such thing, are in error and do not represent the real law of the land.

It is a universal legal principle that nothing can be made a criminal offense by statute which is permitted by the Constitution. Thus free speech, personal liberty, which include social intercourse and address to others seeking to persuade them to do what they each individually have a lawful

right to do, can not be made a crime, nor prohibited by statute or by exercise of the judicial power of the state.

It follows from the foregoing authorities, that the local anti-picketing ordinance, especially Section 2 thereof, is in contravention of the constitutional rights of members of organized labor, and for that reason should be wiped off the books.

#### IT MAKES A DIFFERENCE.

At a convention of 2000 members of the Pennsylvania and Atlantic Seaboard Hardware Association, it was voted to refuse to do business with manufacturers and jobbers who compete directly with members of the association.

No comment is made of this action by forces that insist it is a "conspiracy" when workers refuse to labor.

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**THE GREED OF A WOLF.**

(International Typographical Union Service)

The Union Label is a red rag to the open shop bull. And no wonder! The pop-eyed individual who smacked his lips so greedily over war profits and boldly claimed the right to all he could get out of the nation's extremity is not the sort to hesitate in the scramble to exploit labor.

He'll wave the flag and cheer the "American Plan" in a voice tremulous with emotion and even spend his money to spread the "patriotic gospel" of the open shop. This fellow forms the backbone of the employers' associations of the country.

"Give to every workingman the right to labor where and when he pleases, and give to every employer the right to deal with each employee as an individual—that's American freedom," he declares.

Fine patriotic spirit! And the individual employee would have the same chance that Little Red Riding Hood had to bargain with the wolf. An honest working man dependent on his labor for his daily bread pitted against a subtle, cruel and grasping boss, to whom one hand, more or less, is one white chip in the game. Furthermore, the open shop boss knows they'll all come to work before they'll starve. That's one idea of American freedom—a year-round open season on the poor for the benefit of the rich.

It is inconceivable that such transparent propaganda should deceive intelligent Americans, but it is not the thing for organized labor and its friends to despise an enemy so rich, powerful and unscrupulous as the open shop crowd. They work day and night. They employ every medium of deception their agents can discover. To meet this onslaught, which has redoubled in volume since the war, every worker in America should take a solemn pledge to fly the banner of Unionism—the Union Label, symbol of the closed shop—in every garment he wears, every cigar he smokes and all the merchandise he buys.

Consider a few aims, openly stated, of employers' associations:

1. Counter organizations to trades unions in city, state and nation.
2. The right to hire and fire and to pay whatever wages a man can be made to work for.
3. Spread of propaganda to show the tyranny of unions by use of newspaper space, conventions, meetings, literature, speakers and other media.
4. Convincing the closed shop employer that the union label is a detriment to his business.
5. Prevailing upon employers to boycott goods bearing the union label and to refrain from dealing with other employers who do not also boycott the label.
6. Providing financial aid for members involved in strikes, and persuading banks to refund interest on loans made for fighting strikes.
7. Breaking strikes by means of sluggers.
8. Seeking laws with which to harass organized labor and to make available government force for use against labor; also, laws to make union funds open to attack.
9. Organization of welfare schemes to deprive workers of the incentive for organizing in their own defense.
10. Employment of spies and stoolpigeons to discover union plans and to pry into private lives of union leaders.
11. Winning the sympathy and friendship of courts and other governmental agencies.
12. Opposing use of the union label on all government publications.
13. Gaining strength in politics by use of money.
14. Loaning of labor in cases of strike and fulfillment of factory orders with return of profit to the plant affected by the strike.
15. Control of newspaper policies by placing or withdrawal of advertising contracts.

16. Use of blacklists to ruin and starve men who rebel against shop conditions or treatment of men.

17. Pressure by insurance and pension schemes to prevent workers from casting their lot with their fellows.

18. Use of injunction laws and bringing of damage suits to give full play to propaganda power of eloquent legal talent.

19. Vociferous opposition to the living standard basis of arriving at wages, and employment of expert talent to prove that "the trade can stand no higher wages."

20. Giving carefully prepared interviews to newspapers attacking labor and getting interviews printed by financial pressure on editors.

21. Use of bonus and premiums to mislead labor into the belief that it has an interest in the business and thus keeping wages down to permit huge profits.

22. Engaging services of preachers, judges, writers and professors as defenders of the capitalistic order and opponents of labor.

23. Dissemination of arguments upholding the "free and untrammelled operation of the law of supply and demand," which law they openly flout in the very existence of their organizations and which they long since laid under absolute control as far as unorganized labor was concerned.

24. Use to the ultimate limit of statutes, court decisions and customs, long since antiquated by the scientific and cultural progress of society, to whip labor back into serfdom.

25. Striking a blow at labor wherever and whenever injury may be done.

There you have it. A warfare of wealth and power against ingenuity and justice.

But remember this: All the money in the world eventually passes through the hands of wage earners. See that you do your part to direct that stream of money into the right channels.

Demand the Union Label when you buy!

**CHARGE CANNOT BE SUSTAINED.**

Charges by General Manager Bardo of the New York, New Haven & Hartford Railroad that striking shopmen are guilty of sabotage fell flat before the Legislative Committee on Railroads at Hartford.

A letter from the Interstate Commerce Commission stated that no inspector has reported emery in lubricants or loosened connecting rods, as charged two weeks ago by General Manager Bardo.

The shopmen showed that incompetent strike-breakers are responsible for the condition of the road's equipment, and that this can be changed if the road accepts the Baltimore agreement, now in operation on more than 100 roads.

Henry T. Hunt, former mayor of Cincinnati and former member of the Railroad Labor Board, said the hostility between managers and workers is not a natural one, and that it has been brought on by pressure upon managements for dividends.

Representatives of the shopmen said the New Haven's propaganda indicated the desperation of these officials who are under orders of railroad financiers and stock jugglers.

If the affair was only between the shopmen and the managing officials it would be quickly adjusted, the shopmen say. The strikers declare that at the present time the New Haven road is "the most glaring example of railroad mismanagement in the United States."

Theories not founded on fact and experience will never make for the progress that a continual demand for the union label, card and button is bound to bring.

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**TAX DODGING—WHO DOES IT?**

By James A. Frear, Representative from Wisconsin.

Stock dividends declared during 1922 and totaling \$2,149,151,425 as compiled by the Federal Trade Commission at the request of Senator Brookhart of Iowa:

	Dividend Per Cent
American Electric Heater Co.....	900
Atlantic Refining Co.....	900
L. S. Ayres Co., Indianapolis.....	400
Arabel Co. ....	700
Bartapress Co. ....	300
Beechnut Packing Co. ....	400
Borne-Scrymser Co. ....	400
Browne & Sharpe.....	1500
Buffalo Insurance Co.....	150
Cannon Manufacturing Co.....	200
Carbarus Mills Co.....	133
Consolidated Gas, New York.....	100
Cross Paper Feeder Co.....	400
Dartmouth Manufacturing Co.....	100
Darris Brown Woolen Co.....	3333
Denver Dry Goods Co.....	900
Draper Bros., Canton, Mass.....	150
Du Pont Chemical Co.....	112½
Du Pont de Nemours Co.....	50
E. Hampton Thread.....	200
Eastern Felt Co.....	260
Emerson Drug Co., Baltimore.....	400
Exchange & Buffet Co.....	300
General Baking Co.....	200
Globe & Rutgers Insurance Co.....	400
Great Northern Paper Co.....	200
Gulf Oil Corporation.....	200
Hamilton, Emery & Corundum.....	400
Hayward Woolen Co., Boston.....	200
G. W. Helme.....	200
Independent Oil & Gas Co.....	200
E. D. Jones & Sons Co.....	500
Landis Machine Co.....	2000
Liberty Banking & Savings.....	100
Frederic Loser & Co.....	200
Merrimac Mills .....	200
Magnolia Petroleum Co.....	50
Michigan Copper & Brass Co.....	200
Moore Drop Forging Co.....	1630
New Bedford Cotton Mills.....	200
Oakdale Worsted Co.....	800
Ohio Oil Co.....	300
Pacific Mills .....	100
Park's Shellac .....	2400
Pocahontas Fuel Co.....	300
Prairie Oil & Gas Co.....	200

Prairie Pipe Line Co.....	200
Republican Cotton Mills.....	150
Saxe & Co., New York.....	800
Standard Oil of Kansas.....	300
Standard Oil of Kansas .....	800
Standard Oil of Indiana .....	100
Standard Oil of California .....	111
Standard Oil of New Jersey .....	400
Standard Oil of New York .....	400
Standard Oil of Ohio .....	100
Union Oil Co.....	50
Vacuum Oil Co.....	300
Victor Talking Machine Co.....	600
Wanshuck Co., Providence.....	2500
Whitten Machine Co.....	1400
Whiting & Davis Co.....	900
Yellow Cab Co.....	800

A partial list of industrial corporations with surpluses of \$20,000,000 or more includes:

**Surplus 1921.**

United States Steel .....	\$508,000,000
American Telephone & Telegraph....	108,000,000
General Motors .....	83,000,000
Texas Co. ....	83,000,000
Swift & Co. ....	72,000,000
General Electric .....	70,000,000
Anaconda Copper .....	67,000,000
Corn Products Co. ....	45,000,000
Westinghouse Electric .....	42,000,000
Utah Copper .....	38,000,000
American Car & Foundry.....	36,000,000
United Fruit .....	35,000,000
American Woolen .....	31,000,000
Pittsburgh Coal .....	30,000,000
Mexican Petroleum .....	25,000,000
Pan-American Petroleum .....	25,000,000
American Locomotive Co. ....	25,000,000
American Can Co. ....	24,000,000
International Harvester .....	23,000,000
National Biscuit .....	22,000,000
Woolworth .....	22,000,000
Pullman Co. ....	20,000,000
National Lead Co. ....	20,000,000
American Smelting & Refining.....	20,000,000

Among the rails Southern Pacific had surplus of \$283,000,000; Northern Pacific, \$183,000,000; Union Pacific, \$150,000,000; Atchison, \$198,000,000, and New York Central, \$100,000,000. A score of others had surpluses ranging from \$35,000,000 to \$90,000,000.

With a great tax problem facing the country without discussing its causes or cures we find enormous and unexpected tax dodging and revenue losses reported by the Treasury on the part of those best able to pay. The average taxpayer asks:

Has any other government given to corporations equal rights and privileges? Does any other government report equal corporate business compared with its total business? Does any other government report equal corporate profits compared with total business capital invested?

Does any other government permit its corpora-

tions to escape personal taxation through stock dividends?

Does any other government permit tax-free securities?

Does not England, our largest business competitor, have far heavier taxes than ours?

Should not wealth pay taxes according to its ability?

Is not this an elementary tax principle with every government?

Have private wealth accumulations in any other country approached our own?

Are like tax-escape avenues for wealth found in other countries?

Is it not true that tax-free securities are used to avoid taxes today?

How many billions are so invested for tax-escape purposes?

How many billions are now invested in stock dividends to escape personal income taxes?

If 50 per cent income tax is needed on \$200,000 personal incomes to collect sufficient taxes for Federal needs, what should be paid on undistributed corporate surplus.

Is 12½ per cent a fair tax on such undistributed corporate surpluses?

How can tax-free securities be reached for taxation purposes?

Does it not justify a 50 per cent inheritance tax? If not, why not?

How can enormous corporate surpluses be reached for taxation purposes?



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This shoe is guaranteed one hundred per cent solid leather, color dark tan, bellows tongue, dirt and waterproof. The actual value of this shoe is \$6.00. Owing to this tremendous buy we can offer same to the public at \$2.95.

Send correct size. Pay postman on delivery or send money order. If shoes are not as represented we will cheerfully refund your money promptly upon request.

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Is not a graduated tax on undistributed corporate profits fair in principle?

Many queries of equal or greater importance naturally will occur. Those who are asked to provide ways and means are charged with the necessity of raising funds and to find a just method of doing so. That is their problem. While corporate opposition and protests from wealth are certain to come, taxation is not due to either, but because both are subject to the fundamental tax principle.

In today's press will be found a large advertisement signed by the National City Bank; J. P. Morgan & Co.; Kuhn, Loeb & Co., and other New York bankers offering \$50,000,000 in Cuban bonds at 5½ per cent interest. Fifty million dollars will thus be taken from the industries of America with the approval of and active aid of these agencies to develop Cuba, but is it not significant that any effort to collect existing tax rates from tax-escaping agencies brings a howl of disapproval because industries are to be hampered?

What is the answer if taxes are avoided by rich or poor?

Mr. Chairman, I am not complaining that the National City Bank can mark off its losses in foreign bonds or other securities and then make 25 per cent net profits, for this result may be due to efficiency or other legitimate causes which would speak well for the bank's management; but as a governmental proposition, after having earned 25 per cent net profits in 1922, the bank should pay its fair share of taxes if we are to meet Government expenditures.

Secretary Mellon shows where \$10,000,000,000 of tax-dodging funds have been laid away beyond the income-tax collector's reach. That amount we know is rapidly increasing. In my remarks of December 20 before the House I gave a list of stock-dividend melon cutting which covered several pages of the "Record." This list did not include the National City Bank, but 328 corporations, according to the Federal Trade Commission as stated, have distributed \$2,149,151,425 in 1922 in stock dividends that will escape personal income taxes, whereas the average little fellow, the individual who has no high-priced attorneys, or the partnerships that have earned a small net profit will scrape up every dollar levied on their non-escapable incomes.

#### REGENTS OUTLINE POLICY.

Regents of the University of California, at their regular February meeting held at Los Angeles, adopted the following resolutions outlining their policy for the development of higher education in California:

1. That the higher education of the state should be under the direction and control of a single Board of Regents selected as the present Board is selected.

2. That there is and should be but one State University in California, and that institution, the University of California, should be maintained at its full efficiency. There is no room for another state institution of similar high character.

3. That the Regents are in favor of doing all they can in the interests of higher education throughout the state not inconsistent with the foregoing and accordingly are willing to extend educational facilities at the Southern Branch in Los Angeles as rapidly as the need for such extended service is demonstrated.

4. Finally that the Regents are prepared to add a third year course in Letters and Science at the Southern Branch beginning with the forthcoming September semester if money is provided adequate to carry out the purposes of this extended service.

Gifts approximating \$27,000 were received by the Regents at this meeting held in Millsbaugh Hall on the Campus of the University.

#### UNIONS PROVE MERIT. Many Other Schemes Have Been Tried and Failed.

Why the trade unions? Why the non-union unions? Who has the greater opportunity for success, the trade unionist or the non-unionist, the organized or the unorganized worker?

It does not require much thought or argument to reach a decision upon this question even though the decision should be left to the non-unionist, if he will honestly and truthfully answer the question.

Why the so-called Open Shop, the American Plan, Industrial Democracy, House and Senate Plan, the Bonus System, and other inspired schemes of anti-trade unionists and unfriendly agencies who offer these many-times-proven unsound remedies as a substitute for the real militant and constructive trade union as a solution of the workers' problems.

None of these inducements or promises can bring to the men and women of labor the returns, the permanency and security that the trade unions do. The American Federation of Labor organizes the workers for their economic and social betterment. These non-union movements disorganize the workers and prevent their participation in the benefits secured through organized effort.

Before and after the names and titles of these non-union unions the worker has written the word "failure," as no one knows better than he does what are his desires and wants. From practical experience he knows that every advance made in his economic and social development has come to him through the power and influence of the American Federation of Labor, an organization of strength which does not fear to raise its voice in defense of justice and right.

Organized labor is the best judge of what labor's needs are and in its own time and way can be depended upon to look after and safeguard the interests of the workers. The trade union movement has brought the nationalities of the world together in harmony and co-operation and is doing more to improve their physical, mental and moral condition than any other agency.

Employers who fail to treat their employees decently assume a liability that they can never pay. Such a method of dealing with labor problems is making progress backwards.

The record of organized labor is one that the trade unionist may well feel proud of. Its achievements are an evidence of its work for human progress and freedom for the working people of our country. No movement that has for its purpose the betterment of humanity has ever been denied its support. Its legislative program for workmen's compensation and child labor laws, fire prevention, factory sanitation, and the thousands of laws to safeguard human life, organized labor's fight against the enactment of unjust laws to take away the guaranteed rights of the workers and of the public generally, is the answer to "Why the Trade Unions?"

#### COMMODITY PRICES UP.

As measured by changes in the index, wholesale prices of commodities, last January, were 13 per cent higher than those of a year ago, reports the United States Bureau of Labor Statistics.

Building materials show the largest increase, 19¾ per cent. Metals and metal products follow next with an increase of 18¾ per cent. Farm products have increased 17¼ per cent; fuel and lighting materials 11¾ per cent, and clothing 11¼ per cent in price in the year.

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JAMES W. MULLEN.....Editor  
Telephone Market 56  
Office, S. F. Labor Temple, 2940 Sixteenth Street  
MEMBER OF  
UNITED LABOR PRESS OF CALIFORNIA

FRIDAY MARCH 2, 1923.

"To look up and not down,  
To look forward and not back,  
To look out and not in, and  
To lend a hand!"

—Edward Everett Hale.

There will be no change in the immigration law by this session of Congress, but the present law has more than a year to run, so that no great harm can come to the country unless the courts, through decisions, make new laws on the subject. This is entirely within the possibilities.

There is great wailing on the part of the friends of the financial interests because the Senate, through filibustering tactics, succeeded in preventing the ship subsidy scheme from going through. They are now talking of making an example of the Senate. Just how they are going to do it, however, has not been made clear to the ordinary citizen.

What will rational human beings think of a man who says, in speaking of the demands of the organized workers for decent wages and working conditions: "It seems to be one of the penalties of industrial prosperity that it shall share in a fair division of profits." Just think of calling "a fair division of profits" a "penalty." The time has arrived when employers generally must admit that there should be a fair division of profits with the workers in the form of wages or otherwise. The time has also been ushered in by the trade unions when the notion that wages and a fair division of profits must not be deemed a penalty, but rather a reward for service rendered.

The Judiciary Committee of the United States Senate has reported out a Constitutional amendment providing that in the future ratification of amendments must be referred to a referendum of the people instead of at present being approved by the State Legislatures. The prohibition amendment was ratified by Legislatures in some states in direct opposition to the will of the people as expressed at the polls, and it was this that prompted the introduction of the amendment providing for the matter being determined directly by the citizens voting at elections. It is not at all probable any action will be had on the proposition at the present session of Congress, but the fact that the committee has reported the amendment out indicates that there is a definite demand for such legislation on the part of Congress.

## Why Unemployment?

One of the great problems of industrial life is that of unemployment, yet it is one that really should not be hard to correct to a very great extent if the factors governing and operating our great industrial institutions were to set themselves to work in earnest in an endeavor to do something of a practical character toward that end. The first step in that direction, it would seem, should be the perfecting of some sort of an organization which could employ capable men to devote their time and attention to perfecting plans for distributing throughout the year much of the work that is now regarded as seasonal. Such an organization should be clothed with some power in order that the plans may be placed to a practical test after they have been mapped out in systematic and careful fashion. Whether such an organization should be of a governmental or private character we are not prepared to determine, but the work already done by the organization of engineers headed by Herbert Hoover has made it plain that there is a great deal that could be done along this line without any official connection whatever. It may be, however, that even better results might come from an establishment with official standing and public recognition.

The real difficulty in this connection has always been the disposition of employers to handle their business in the way that to them seemed to be the most convenient and profitable without regard for the welfare of the workers in their employ. The employer always wants to be sure that he can get all the help he needs whenever he needs it, but he pays practically no attention to whether the workers have anything even remotely resembling steady employment. In fact that is a matter that scarcely enters his mind. He seems to take it for granted that the workers have some mysterious way of living whether they work or not. When things get so that the average employer is unable to get all the help he wants just when he wants it he begins to shout and moan and bewail his fate and calls upon the government to throw open the gates to immigration of any kind whatever in order that he may have an abundant supply of labor, but when the workers are walking the streets in idleness and unable to get work of any kind to do there is no demand whatever on the part of employers to change the condition of affairs. Of course if the matter is called to their attention most of them will express sympathy for the unfortunates and perhaps offer to contribute something toward a charity fund to take care of them, but beyond this the grave question is given no consideration.

Even in the highly organized industries, where both employers and employees are quite thoroughly organized, there has been no effective instrumentality provided for doing away with the seasonal character of the work, when such a course could very easily be followed. The employer is content with the situation, and, perhaps, entertains the idea that he gets better results as a consequence of seasonal work and is on that account opposed to doing anything to do away with the scheme of things as it exists. And in some instances the idea is honestly entertained that it is not possible to do otherwise than operate on a seasonal basis. In spite of such ideas and opinions it is certain that in a great many industries now conducted in a manner to supply purely seasonal demands if a proper study were given to the question it would be found entirely feasible to carry on operations throughout the year without any inconvenience, handicap or loss to anyone.

Industrial conditions are getting pretty good and there is every indication that for several months to come there will be constant betterment all along the line. Under such conditions it is to be hoped that something will be done looking to a stabilizing of industries of all kinds in order that ultimately a way may be found to do away almost completely with the periods of unemployment which come with unceasing regularity to workers year after year. Perhaps the best way to get something of this kind started would be for the Departments of Commerce and Labor of the Federal Government to appoint a commission to study the subject and report some plan to be followed in future. No harm could come from such an investigation and study and great good to humanity might result.



## FLUCTUATING SENTIMENTS

Governor Richardson, in his message transmitting the budget to the Legislature, stated that provision had been made for carrying on the work of the Immigration and Housing Commission, but a careful survey of the printed document fails to reveal wherein such provision is made. Nowhere in the long list of appropriations can one find a dollar set aside for looking after the important work that this Commission has been doing during the past decade, and the work was of real benefit to the State. There can be no justification, or the ground of economy or otherwise, for discontinuing the functions of this Commission, but if it is his purpose to stop such work he should say so and recommend abolishing the Commission instead of conveying the impression that the work is to go on when no money has been set aside for the purpose.

President Harding's executive order restoring to civil service status the Bureau of Engraving officials who were thrown into the street by an executive order last March and placed under suspicion of having committed serious offenses against the Government until cleared by investigating committees, is a confession that the order of dismissal was not justified. But the present order will not satisfy the discharged officials nor the public nor anybody, because it falls far short of justice in that it does not restore these faithful employees to their former positions. To put these officials back in their former places is the first necessary step to repair the wrong that has been done them, and even then full justice will not have been done; the final action necessary is for President Harding to make known the person or persons who furnished him the false information upon which it is alleged these officials were dismissed.

If there were no need for trade unions there would be no unions. Many employers of labor do not so feel, but it is a fact nevertheless. Men do not form organizations and spend time and money in continuing them unless there is some good reason for so doing. This rule applies to unions as well as to other organizations, and to wage workers as well as to other citizens. No one would think of forming a labor union and devoting time and energy and money to it if all employers were to deal fairly with all workers. The very fact that there are labor unions is the best possible proof, if proof were needed, that there is a service for them to perform and that employers have produced the necessity for them. This does not mean that there are no fair employers, nor does it signify that all workers are so situated as to need unions. The thing that it does point out in definite fashion is that so long as there are unfair, unreasonable and greedy employers there will be need for every worker belonging to a union in order that his future, if not his present, be protected against the demands of the unfair individual who occupies the position of employer. If you are optimistic enough to hold the belief that because you are at present so situated as not to need the union you will always be in that position, then, perhaps, there is no immediate demand that you join the union of your craft or occupation, but we feel quite certain that there are few such optimists.

## WIT AT RANDOM

Miss Turista—Darn it all, I can't go to the American Club dance. My trunks haven't come.  
Alley—But it isn't that kind of a dance.—The Times of Cuba.

Old Lady—My good man, were you wounded in action?

Private Flannerty (arm in sling)—No, ma'am. I was cleanin' out the cage of the Colonel's canary and the d—d bird bit me.—American Legion Weekly.

"How's your wife, Blinks?" asked Jinks.

"Her head troubles her a good deal," confessed Blinks.

"Neuralgia?" queried Jinks.

"No," answered Blinks sadly. "She wants a new hat."—Good Hardware.

Salesman—A velour hat, madam—what size would your husband take?

She (buying his birthday present)—Let me see—I really don't know—but he takes sixteen in collars, so I suppose his hat would be about nineteen or twenty.—London Opinion.

The telephone in a well-known surgeon's office rang and the doctor answered it. A voice inquired, "Who is this?"

The doctor readily recognized the voice of his seven-year-old son. Although an exceedingly busy man, he was always ready for a bit of fun, so he replied:

"The smartest man in the world."

"I beg your pardon," said the boy, "I have the wrong number."—The Austin (Tex.) Cumberland.

A little boy in a city school refused to sew, thinking it beneath the dignity of a ten-year-old man.

"George Washington sewed," said the principal, taking it for granted that a soldier must; "and do you consider yourself better than George Washington?"

"I don't know; time will tell," said the boy seriously.—Good Hardware.

There was a man in Texas who went to a revival meeting and was pressed to repent. He wavered for a time and finally arose and said: "Friends, I want to repent and tell how bad I have been, but I dasn't do it when the grand jury is in session."

"The Lord will forgive," the revivalist shouted.

"Probably he will," answered the sinner, "but he ain't on that grand jury."—Lawyer and Banker.

A stranger strolled up to a colored prisoner, who was taking a long interval of rest between two heaves of a pick. "Well, Sam, what crime did you commit to be put in overalls and under guard?"

"Ah went on a furlong, sah."

"You mean you went on a furlough."

"No, boss, it was a sho-nuff furlong. Ah went too fur, and Ah stayed too long."—Infantry Journal.

The rookie was grumbling about some dirt in his food—for he was at the tender age of rookiehood before the time when a little dirt is necessary to lend the proper savor.

"Smatter?" bellowed the mess officer. "Stop whining. Don't you know you're here to serve your country?"

"Yes, sir," was the humble reply, "but not to eat it. And I wanted to serve it—not to have it served to me."—Infantry Journal.

## MISCELLANEOUS

## "SURVIVAL OF THE FITTEST."

In those aeons far behind us,  
As mere germs and cells you find us,  
Putting on the body physical, in

Myriad shape and form;  
By a random freak, Dame Nature  
Made mankind of upright stature,  
And with just the same unreason  
Horizontalized the worm.

At first the germ, ambition  
To have muscle, brain and tissues,  
Drew in whatever it could find  
Its purpose to achieve;  
Till at length, upon its surface,  
There appeared the most amorphous  
Collection of prehensiles

Which the mind can well conceive.

These, in time, developed vigor,  
And grew bigger, and still bigger,  
Till here an arm, and there a leg,  
And then a head appeared.  
And by dint of constant suction  
And continued reconstruction,  
At last the thing we term a man  
Emerged with flowing beard.

With a vast primordial yearning,  
He took to books and learning,  
That his future, as a soulful thing  
Depended upon these.  
He studied night and morning,  
All rest and pleasure scorning,  
Till, in time, he won the entire  
Batch of all the known degrees.

But then, there were some others—  
Sisters, cousins, aunts and brothers—  
Who, instead of burning midnight  
Oil, had trained their own deep minds;  
And these rose and represented  
That all learning was invented  
The idle and the thriftless  
And the shiftiness to excuse.

Then a war—mind versus muscle—  
Began at once, and in the tussle  
The thinker was annihilated,  
Every mother's son;  
And labor reigned victorious  
Triumphant and vain-glorious,  
And has kept until this day the  
Place it thus so boldly won.

—Lue F. Vernon.

## JOHN I. NOLAN.

Our good friend John I. Nolan  
From earth has passed away,  
And out in 'Frisco where he lived  
They've laid away his clay.

For many years he led and fought  
The fight for Union men,  
And that alone inspired and brought  
This tribute from my pen.

And not alone in labor's rank,  
But in the Congress' halls,  
Without a hope of gain or thanks  
He harked to labor's calls.

His heart went out to children,  
Who toiled within the mills,  
And for their sakes he nobly worked  
For all child labor bills.

Long may his memory be kept green  
In this our molders' clan  
For they are few and far between  
Like this great Union man.

—Fred E. Melville, St. Louis, Mo., in  
Molders' Journal.



## TYPOGRAPHICAL TOPICS

Have you ever become so interested in the line or work in which you were engaged as to become possessed of the desire to run it just as you would like to run it? In other words, to have a business of that kind all of your own? And have you kept saying to yourself, "Now, when I have my shop, etc.?" Have you seen things that you would like to change; then think of the time you would satisfy that desire in the shop you were going to have? If you have been real interested in your work, you have had these dreams, and perhaps you also have had many opportunities to take the step to gratify them, though you may have been held back by loyalty to old associations, pressure of other needs, a feeling that "the time was not ripe;" and then you stop a minute and take note of Father Time's speed, the distance you have travelled and the point you have arrived at; all the things you have wanted to do and have looked forward to doing when you might possess that shop of your own.

All of a sudden your experience warns you that the sure way to get things is to go after them. Then, with the "Go Get It" spirit prevailing, you start off. "That," said Margaret Mary Morgan,



"is what happened to me and this," pointing to the printing plant of the Margaret Mary Morgan Company, "is the result. My dreams seem to have a habit of coming true. Perhaps it is because it is the goal toward which I work. Yet, occasionally in my progress toward that goal, someone 'slips a joker' in the pack, so to speak.

"I surely never dreamed of being a supervisor in the City and County of San Francisco, and particularly of being the first woman for that honor. A political career was something I gave no thought to, and I quickly refused to entertain the thought of running for office. Then I was appealed to, through what the citizens who elected me termed 'another duty you must not shirk,' so here I am, one of the 'City Fathers.'

"And of what am I now dreaming? Well, I'm busy realizing this dream. So far, just a little house cleaning and shopping (you know a woman must shop and house clean) preparatory to turning out printing so satisfactory that it must create a demand for more work from our plant.

"You want to know about these blue prints? Well, a new move is in contemplation to a larger place, ground floor space, perhaps in the financial district, where the space will accommodate additional equipment, such as a linotype machine and more of the modern presses."

"Is that really so?"

"Well, I've told you that my dreams have a habit of coming true, and I am concentrating with 'all my might' on this dream."

Probably the first official act of Miss Morgan in her new adventure was to apply for the Union Label of the Allied Printing Trades Council. In going over other shop ideals, Miss Morgan, continuing, said: "True co-operation and good work-

ing conditions will help make my shop a success. It will be how well we can do, not how well I can do. Now how near the minimum scale each person gets, but how much they can earn and receive over the scale."

There are many periods in our lives, each with its possibilities of happiness and compensation, and, fortunately, to one in our midst has come the fulfillment of many years of painstaking care. This person is none other than Carl H. Koch, a member of Typographical Union No. 21, who recently invented and published, with the collaboration of Henry M. Hastings, a system of saving your hard earned coin. This system is known as the Hastings Graphic Systems Budget-Savings Plan. On March 1st Mr. Koch became sales manager for the entire Hastings Graphic Systems. News of Mr. Koch's promotion to this responsible position was received with real pleasure by all his friends, who are wishing him the success he so richly deserves in his new field of endeavor.

Writing from New York City under a recent date, to a San Francisco correspondent, Arthur Floyd, a member of the Typographical Union who left the jurisdiction of No. 21 last January, said he was booked to sail for Rio de Janeiro in two days on the Pacific liner Vestris, via the West Indies. Arthur said he had a second cabin berth, and that the fare was very reasonable—\$125 for about sixteen days on the "briny," adding that he was in fine shape for the trip. Continuing, he said: "There is lots of work in New York, but I had my mind on the South American trip. The exposition at Rio de Janeiro closes at the end of

March, so I thought I would make connection right away.

"Have had lots of snow in New York, but somehow the cold didn't seem to have the old punch. . . . Business in our line is okeh, and there are a few jobs paying \$65 per week of five days (night, of course). New York has grown to be a whale of a big place! You would not like it for a regular place to live in, I am sure; but it is some wonder city, and very much worth looking at. I am hoping for a good trip to this South American country. Expect to go to Montevideo and Buenos Aires, and maybe to Chile. But we shall see—what we shall see!"

After bidding his correspondent "Adios," Floyd concluded his letter with the request that his best regards be conveyed to all his San Francisco friends.

Death again visited the sorrow stricken family of Mrs. Margaret Kane, widow of the late John Kane, former chief machinist in the composing room of the San Francisco Chronicle, and removed from their midst Bridget Naughton, beloved mother of Mrs. Kane. Mrs. Naughton's death occurred last Saturday after a valiant struggle against pneumonia, from which she had been ill several weeks. Mrs. Naughton was a native of Ireland and a member of the Third Order of St. Francis of St. Boniface's Church. Funeral services of Mrs. Naughton were held in St. John's Church, where a requiem high mass was cele-

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526 California Street, San Francisco, Cal.

DECEMBER 30th, 1922

Assets.....	\$80,671,392.53
Deposits.....	76,921,392.53
Capital Actually Paid Up.....	1,000,000.00
Reserve and Contingent Funds.....	2,750,000.00
Employees' Pension Fund.....	400,613.61

MISSION BRANCH..... Mission and 21st Streets  
PARK-PRESIDIO DISTRICT BRANCH..... Clement St. and 7th Ave.  
HAIGHT STREET BRANCH..... Haight and Belvedere Streets  
WEST PORTAL BRANCH..... West Portal Ave. and Ulloa St.

A Dividend to Depositors of Four and One-quarter  
(4 $\frac{1}{4}$ ) per cent per annum was declared for the six  
months ending December 31st, 1922.



brated for the repose of her soul. Interment of her body was in Holy Cross Cemetery. The profound sympathy of friends of Mrs. Kane is extended to her and her family in their double bereavement.

According to an Associated Press dispatch of February 28th, reinstatement of discharged printers in Sacramento, Cal., was ordered in a decision of a board of arbitration composed of representatives of the American Newspaper Publishers' Association and the International Typographical Union sitting in Indianapolis. The case referred to probably is that which originated in the Sacramento Bee composing room some months ago, when the foreman discharged an employee on questionable ground.

James J. Maloney, old-time book and job printer, is again able to mingle with his friends. He has vacated a local hospital which he entered ten weeks ago for treatment of a severe case of gangrene. The treatment required to eradicate the ailment was drastic, amputation of the left leg at a point near the knee being necessary. "Jimmy," always accommodating, entertainingly demonstrated to a group of his printer pals assembled in the reading room at union headquarters yesterday that it is just as easy to manipulate three propellers as two. He laughingly referred to his third leg as an auxiliary or "side" magazine. Although 62 years of age, James declares that, since he has bid a final farewell to Old Man Gangrene, he is good for at least another sixty-two. To all of which everyone who knows his indomitable spirit will agree.

Chester Beers, Avon H. Brody, Roy E. Donovan, Charles G. O'Neil, Albert F. Perry, Walter Pryde and Ruth Sargent compose the class of apprentices that will be examined by the apprentice committee at its meeting in the union offices, 701 Underwood Building, 525 Market street, at 7:30 o'clock p. m. Tuesday, March 6.

The San Francisco Bay Cities Club of Printing House Craftsmen announces a series of five lectures to be given before the club by Miss Marian Hartwell of the Extension Division of the University of California. The dates of the lectures and their subjects follow:

March 5—"Analysis and Composition of Intense Colors."

April 2—"Composition of Modified Colors."

May 7—"Color Arrangements."

June 4—"Mass, Size and Background Spaces."

July 9—"Dark-Light Designing."

Miss Hartwell is instructor in applied arts at California School of Fine Arts, and, according to the club's announcement, is thoroughly equipped to handle the subject of color harmony and theory of design in a practical manner. The club says no one who is engaged in the printing industry can afford to miss one of these University Extension lectures, and that everyone is invited, no charge of any kind being made; also, everyone is welcome at all meetings of the Craftsmen, and at the dinners that precede them. The meeting next Monday (March 5th) will be held at Hotel Bellevue, Geary and Taylor streets, at 8 o'clock, preceded by a dinner at 6:30. An added feature of this meeting will be a motion picture showing in detail how Intertypes are made, and how each part of the machine operates. This very instructive film will be shown after the lecture.

### THE PULSE OF INDUSTRY.

By International Labor News Service.

**Employment**—A map of the employment situation in the United States looks like a leopard skin. Dark spots indicating unemployed alternate with light streaks where some industries can't get enough men to fill orders. Adjustments will come slowly and according to operation of many influences. Labor released from farms has been absorbed to a large degree in the East, but interference of weather with lumber and other industries has resulted in unemployment evils on Pacific coast. A surplus of 25,000 workmen reported from Los Angeles alone.

**Wages**—The upward movement in wages manifested since April, 1922, continues. There are no jumps like those of the war period, but the gradual increase in wages that should be part of sound and normal industrial development will probably continue for some time.

**Cost of Living**—The cost of living is again going up. After dropping almost steadily from July, 1920, until March, 1922, it fluctuated for a year at the low mark. Some commodities are still finding lower price levels, but others, especially farm products, are rising. Out of 404 commodities analyzed, 170 increased slightly in price, 70 decreased, and 164 manifested no change. In the last thirty days the cost of living to the householder has gone up 1 per cent.

**Production**—The largest output since the boom period of 1920 is reported for January by the Census Bureau in cotton goods, pig iron, steel ingots, locomotives, zinc, bituminous coal and flooring. This production is not piling up as surplus, either, but indications are it is quickly going into consumption.

### PRACTICAL SPEECH MAKING.

Attention is called again to the course in Practical Speech Making to be given at the San Francisco Labor Temple, at Sixteenth and Capp streets. This is a University Extension course, given under the Department of Labor Education, and the work is meant for the special needs of labor groups.

The purpose of this course is to develop an easy, free style of speech for occasions when a speech is opportune. The course will include work in the selection of material for speeches, their arrangement and spoken presentation.

This course is not a "high-brow" course for "intellectuals" who hope to make "spread eagle" orations in the future, but rather a course of instruction for any serious minded person that is interested in the principles that govern simple spoken English.

Remember the course is limited to twenty persons.

Persons interested in this course may enroll at room 205, San Francisco Labor Temple, or at 140 Kearny street, San Francisco.

Note that this course has the approval of the Educational Committee of the San Francisco Labor Council.

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We have just bought a tremendous stock of Army Munson last shoes to be sold to the public direct. These shoes are 100% solid leather with heavy double soles sewed and nailed. The uppers are of heavy tan chrome leather with bellows tongue, thereby making them waterproof. These shoes are selling very fast and we advise you to order at once to insure your order being filled.

The sizes are 6 to 11, all widths. Price, \$2.75. Pay postman on receipt of goods or send money order. Money refunded if shoes are not satisfactory.

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## SAN FRANCISCO LABOR COUNCIL

### Synopsis of Minutes of February 23, 1923.

Meeting called to order at 8:15 p.m. by Vice-President Stanton.

**Roll Call of Officers**—President Hollis excused.

**Reading Minutes**—Minutes of the previous meeting approved as printed in the Labor Clarion.

**Credentials**—From Cracker Bakers No. 125—P. C. McGowan, F. C. Burke. Bookbinders No. 31-125—T. P. Garrity, A. Halling, Francis McCarthy, Ella Wunderlich, Loretta Kane. Delegates seated.

**Communications**—Filed—From Near East Committee, thanking unions for their donations. From the Federation of Shopmen, acknowledging receipt of donations from the Waiters and Sausage Makers. From the Astoria Relief Committee, thanking unions for their assistance.

Referred to Executive Committee—From Cap Makers' Union, relative to a committee that was appointed by said union. From Street Carmen, requesting Council to assist in petitioning the Board of Public Works to grant an increase in wages to the Carmen.

Referred to Law and Legislative Committee—From the Coroner's Office with reference to how records are kept by hospitals with regard to cases involving compensation.

Communication from the Old Age Pension Commission of the Fraternal Order of Eagles, requesting the Council's indorsement of the Old Age Pension Bill. On motion the bill was indorsed.

**Report of Executive Committee**—In the matter of controversy between the Bakers' Union and the Crystal Market, there seems to be a disposition to settle their differences, hence the matter was laid over awaiting further developments. The matter of taking the European Bakers off the unfair list was laid over pending further report from the Bakers and Bakery Drivers. In the matter of the boycott on the Great Western Grocery Stores, the Secretary was instructed to request the manager of the stores to appear before the committee with a view to a settlement of the trouble. The representatives of the Glass Blowers' Union were requested to appear before the committee to explain the status of the Illinois-Pacific Glass Co. Report concurred in.

**Reports of Unions**—Cigarmakers—Business slack; requested unionists not to patronize the United Cigar Stores. Grocery Clerks—Piggly-Wiggly still unfair; White's Grocery still unfair.

**Report of Law and Legislative Committee**—In the matter of communication from the Office Employees' Union requesting Council to go on record against Assembly Bills Nos. 678-679, relative to new system of recording documents, your committee, after investigation, recommends that the Council go on record against said bills. Report concurred in.

**Auditing Committee**—Reported favorably on all bills and warrants were ordered drawn for same.

**Receipts**—\$349.50. **Expenses**—\$917.25.

Council adjourned at 10:15 p. m.

Fraternally submitted,

JOHN A. O'CONNELL, Secretary.

P. S.—Members of affiliated unions are urged to demand the union label, card and button when making purchases.

A mistake is an opportunity for learning of which we should take advantage when we have failed to practice what we preach in demanding the union label.

### LABEL SECTION.

**Minutes of Meeting Held February 21, 1923.**

Meeting called to order at 8:30 by Vice-President Fosen, with all officers present but C. J. Quinn, A. C. Sheahan, J. Frankenstein and B. A. Brundage.

Minutes of previous meeting approved as read.

**Communications**—Received from the Ladies' Auxiliary; read and referred to the press for publicity.

**Reports of Unions**—Upholsterers No. 28, reported that Hale Bros. are going to put in a full line of mattresses, pillows and furniture, are having samples made at the Continental Furniture Co., which is unfair; ask a demand for their label in Hale Bros. Painters No. 19 reported that they held a special meeting last Monday evening and the notices read: Don't Patronize the Emporium.

Auxiliary reported that they visited Mr. Sheehan at 451 Clement street. Mr. Sheehan stated that he would put in a full line of labelled goods if the people of this district demand them.

Bulletin Board Committee reported that they have some new labels in the board. Locals wanting use of the board apply to the Secretary.

**New Business**—Moved and seconded that we lend the Auxiliary the whist tables and cards for their game on March 6th.

There being no further business to come before the Section, we adjourned at 9 p.m. to try our luck at a little game of whist. John Coakly of Painters No. 19 was the lucky gentleman with a score of 120, and Mrs. Thos. Mahoney of the Glove Workers was the lucky woman with a score of 109. They both receive a handsome present.

Trustees reported favorably on the bills, same to be ordered paid.

"Send your delegates to the meetings of the Section."

"Stay away from the Emporium."

"Demand the union label, card and button."

Fraternally submitted,

WM. HERBERT LANE, Secretary.

### LADIES' AUXILIARY.

The meeting of the Ladies' Auxiliary of the Label Section was called to order at 8:20 p.m., February 20th, in Progress Hall, Labor Temple, by President Sister Minnie Desepte.

Roll Call—All officers were present.

Minutes of previous meeting were approved as read.

Communication were read, noted and filed.

**Report of Committees**—The Social Committee of February 6th made their final report and turned the balance of money over to Secretary. This committee, consisting of Sisters Coakly, Mueller and Barnard, are to be congratulated upon their splendid management and were discharged with a vote of thanks by the Auxiliary. As delegate to the Labor Council, Sister Coakly made her report. Visiting Committee reported progress, but that we are not getting the support we should. Sisters Desepte and Fosen reported visiting Mr. Sheehan of 451 Clement street, who has signified his willingness to carry any kind of labelled goods, providing there is a demand for it. Residents of this district kindly take notice.

**Unfinished Business**—The Auxiliary decided to hold a whist party next meeting night, March 6th. Sister Vivian Lively and Sister Snider volunteered to serve upon this occasion. In addition to other prizes a door prize will be given and score cards will be 25 cents. All are invited. Come, try your luck.

**New Business**—New members were obligated and seated. A motion was made, seconded and carried that a committee be appointed to interview the manager of the Crystal Palace Market. Sisters Fosen, Lively and Coakly were appointed. Owing to circumstances, Secretary was asked to

make the report next Friday night at the Labor Council meeting.

Good of the Auxiliary—Sister Baller reported that Shoe Clerks carrying cards will insist upon selling shoes without the label. Sister Desepte reported the same experience and that many of them are certainly lacking in courtesy to people who demand the label.

Our mysterious package was won by Ruth Baller. Brothers Meadows and Coakly made some very interesting remarks for our benefit. No further business coming before us, meeting adjourned at 10:20 p.m., to meet again in regular session March 6th, 1923.

Fraternally submitted,

TINA FOSEN, Secretary.

### PROVING PUBLIC MENACE.

The failure of strikebreakers to maintain equipment on scores of railroads is proving such a menace to life and property that the department of justice announces it will enforce the safety laws.

It is stated that upwards of 100 railroads are not complying with the federal statutes regarding inspection and repair of equipment. The shop men have been making this claim continuously since July 1.

Wrecks have become so common that they attract little attention, and every student of the situation now agrees that the coal scarcity has been caused by the anti-union attitude of such railroads as the Pennsylvania, Delaware & Hudson, Central Railroad of New Jersey, New Haven, and other systems.

Public officials are also alarmed over prospects for handling spring business. It is declared that if present conditions continue the car shortage will break all records at a time when business is reviving.

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**MINE SAFETY ORDERS.**

Mine Fire Control Safety Orders have just been adopted by the Industrial Accident Commission, effective March 15, 1923. These orders were compiled by committees consisting of representatives of mine operators, mine employees, U. S. Bureau of Mines, Industrial Accident Commission, and mining engineers for the industry at large that have worked for some four months in an effort to formulate reasonable orders. The orders as adopted consist of the unanimous report of the following committee of nine mining men and two attorneys appointed at the close of the public hearing held in San Francisco, December 8, 1922:

B. O. Pickard (chairman), G. Chester Brown (secretary), W. J. Loring, Arthur B. Foote, James Lord, Geo. J. Young, R. W. Rodda, W. E. Colby, Warren H. Pillsbury, H. M. Wolflin, F. L. Lowell.

Subject to the restriction that safety equal to that contemplated by the orders must be provided for employees, a provision is included for the granting of exemptions or alternative requirements to mines where the requirements cannot reasonably be applied. Each mine superintendent is required within a period of thirty days from March 15, 1923, to submit his plans for complying with the orders. Some of the more important requirements are:

1. Fire drills and the organization of mine employees for fire prevention, fire control and rescue of underground men.
2. Control of mine ventilation by means of fire doors or bulkheads underground to prevent smoke and gases cutting off the escape of men in the event of fire, in accordance with plans to be approved by the Industrial Accident Commission.
3. Protection of underground employees against the hazard of all exits becoming impassable through fire or fire gases by fire-proofing the main shaft and shaft stations, or maintaining a connection with an adjoining mine, or by mechanical control of the air currents or by the installing of a hoist in the second exit.
4. Fire-proofing or protection of used mine openings and used underground shaft stations that are inflammable.
5. Weekly inspection and report of underground fire hazards in workings, also monthly reports of conditions in unfrequented portions of the mine.
6. Installation and regular testing of fire-fighting equipment in timbered mine shafts and stations, unless the timber is protected against fire.
7. Posting of a diagram showing exits, fire-fighting and ventilating equipment, etc.
8. Maintenance of auxiliary telephone and compressed air-lines in second exits.
9. Maintenance of emergency fire-fighting equipment, including oxygen breathing apparatus and trained men to use it.
10. Under certain conditions, the maintenance of refuge places for men who may be trapped underground.
11. Use of stench warning through compressed air lines as a means of informing underground workers of fire.
12. Installation of surface fire alarm signals.
13. Fire-proofing of inflammable material near electrical equipment such as motors, etc.

The superintendent of each mine must file with the Industrial Accident Commission such additional reports, plans, diagrams and maps relative to fire protection and prevention as may be required by the Commission.

If good judgment and common sense are applied in making purchases, an increase in the demand for the union label, card and button is sure to follow.

**ORPHEUM.**

Generous portions of comedy, song and dance are produced at the Orpheum bill which starts Sunday matinee, March 4. Two headline attractions top the show, Jessie Busley & Co. in "Batty" and the Ford Dancers.

"Batty" is a satirical farce, described as a terrible result of the mystery play "The Bat," and written by Harry Wagstaff Gribble. The skit is a laugh from start to finish and made more delightful by the finished work of Jessie Busley who is a legitimate star of great attainments and who will be remembered by her work in "The Bishop's Carriage."

Ford was a famous name on the stage even before Henry invented the Lizzie. The Fords have been a family of dance stars and the younger generation now form the Ford Dancers featuring Edwin of that name. All are excellent dancers and their old-fashioned buck dancing and soft shoe work is a sure "show-stopper."

Rarely, if ever before, have any singers from the concert stage been so successful in vaudeville as have Allan Rogers and Leonora Allen. A tenor and soprano with voices of rare quality, unusual personalities and sumptuous staging of each number have made a great impression and on their final week's stay they are to present an entirely new program and production.

A humorous argument with melodic accompaniment is indulged in by Harry Steppe and Harry O'Neal in "Just a Debate."

Edwin George is a travesty comedian par-excellence. His "Comedy of Errors" is burlesque advanced to its highest degree.

A pair of jovial young chaps are Billy Dougal and Ted Leary who offer a joyful combination of songs, music and smiles.

Josephine Amoros, "That French Girl," retains the characteristic smartness and chic of her homeland in her daring and unusual presentation.

Leonard Gautier presents his "Bricklayers" who are really dog masons with a high degree of animal intellect and training.

**LITERARY CONTEST.**

The Pioneer Writers' Guild of America will award the following prizes to writers and artists whose work has never been published:

No. 1, for the best short story, \$150; No. 2, for the best poem, \$150; No. 3, for the best play, \$150; No. 4, for the best cartoon, \$150.

Only writers and artists whose work has never been published (except in school, college and fraternal journals) are eligible to enter this contest.

The rules and complete information may be obtained by addressing: The Pioneer Writers' Guild of America (Guild Hall), 9 Charles Street, New York City.

The winning story, play, poem and cartoon will be published in the May issue of The Pioneer. Contest closes April 30, 1923.

**COOLIES FOR HAWAII.**

The revival of a campaign to admit Chinese coolies into the Hawaiian Islands has caused the Executive Council of the American Federation of Labor to "reaffirm the protests and declarations of the American Federation of Labor conventions against the admission of Oriental labor into the United States, its territories and possessions."

For nearly two years, the council says, there has been an intensive agitation in Hawaii to import 50,000 coolies and place them under bond, "thus making them debt slaves for five years or less if they become rebellious."

This agitation has been carried on by Hawaiian sugar planters and pineapple growers, who have expended large sums to send agents to Washington to prevail upon Congress to enact the necessary legislation.

"While the scheme, when first conceived, was for the importation of Chinese coolies to work in the sugar and pineapple industries, it has now shifted so that coolies are being demanded for the rice fields, thus disclosing the false pretense."

The resolution against this coolie importation closes with the declaration that "the American Federation of Labor will exercise every influence to defeat this most un-American movement of the planters of Hawaii."

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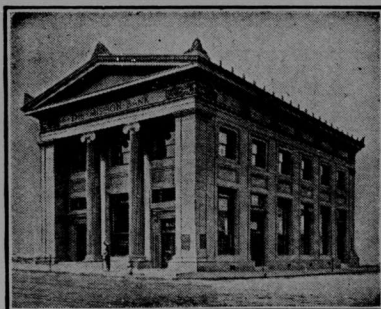


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**WHAT CONGRESS IS DOING.**

Each month the legislative representatives of the American Federation of Labor make a detailed report of what Congress is doing legislatively. The provisions of the bills that are either inimical or beneficial to the interests of labor and the people are set forth. Following is a summary of measures now before Congress which are of vital interest to not only the wage earners but all the people except the privileged few. If you desire further information you will find the complete report of the Legislative Committee in the issue of the American Federationist for February.

**Child Labor.**

After months of preparation and agitation hearings have been held on the joint resolutions presented in both the House and Senate providing for a constitutional amendment for the protection of child life. The hearings gathered together a greater number of representatives of different organizations than has appeared at any other held by congressional committees for years. Nearly every woman's organization in the country was represented as well as the Republican and Democratic parties through their national committees. The fact that the question is non-partisan encourages the belief that Congress will adopt a joint resolution providing for a constitutional amendment. There are several before the committee but that presented by Senator McCormick, which is approved by the American Federation of Labor, is considered the most effective.

Senator Johnson, who had presented a joint resolution for a constitutional amendment on the same subject, appeared before the committee and said that if his resolution was not satisfactory to labor that he was willing that it should be changed or that if any other amendment was approved he would support it.

President Gompers, as chairman of the permanent conference for the abolition of child labor, made an appeal for the passage of Senator McCormick's resolution. He then introduced the representatives of the various organizations that have joined the American Federation of Labor in advocating the constitutional amendment as follows:

Julia Lathrop, former chief Children's Bureau.  
Grace Abbot, chief Children's Bureau.

Mrs. Florence Kelley, general secretary National Consumers' League.

Mr. Owen Lovejoy, National Child Labor Committee.

Mrs. John Jay O'Connor, National League of Women Voters.

Mrs. Maud Swartz, National Women Trade Union League.

Mrs. Arthur C. Watkins, National Congress Mothers and Parent Teachers' Association.

Miss Selma Borchart, American Federation of Teachers.

Miss Elizabeth Eastman, Young Women's Christian Association.

Mrs. Alexander Wolf, National Council Jewish Women.

Mrs. Ellis A. Yost, Women's Christian Temperance Union.

Miss Mary Stewart, National Association Business and Professional Women.

Mrs. R. C. Stevenson, Girls' Friendly Society.

Mrs. Emily Newall Blair, Democratic National Committee.

Mrs. Harriet Taylor Upton, Republican National Committee.

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Mrs. Elmer Blair, General Federation Women's Clubs.

Dr. E. O. Watson, Federal Council of Churches of Christ.

Rev. Father McGowan, National Catholic Welfare Council.

Miss Grace Abbott, Chief of the Children's Bureau, made an elaborate statement of the evils of child labor, how the number engaged in gainful occupations had increased after the first child labor law was declared unconstitutional, how it had decreased after the tax law was enacted and how it had again increased since that act had been declared unconstitutional.

**Immigration.**

The agitation for months to open the gates of our country to unrestricted immigration resulted in a hearing before the House Committee on Immigration. Representatives of the steel and copper industries, the American Merchant Tailors' Association, the National Association of Manufacturers, and two Representatives in Congress appeared before the committee to urge that the immigration law be amended so that the labor market could be flooded with foreigners. The evidence given by all of the witnesses was of such a character that it failed of its purpose.

J. M. Larkins, assistant president of the Bethlehem Steel Company, stated that wages were 36 cents an hour because not sufficient immigrants were being permitted to come into the country. He contended that the steel industry should be supplied with enough men to "draw from." A member of the committee suggested that "draw from" might mean two or more men at the gate to one man working. Mr. Larkins said that when workers in the steel industry were receiving only 28 cents an hour they got along very well because their children over 16 years of age were working in factories and other places. This helped the fathers support the family. He did not explain how the workers in the steel industry receiving 28 cents an hour got along before their children reached the age of 16 years or how many workers had been refused employment because they did not have children 16 years of age.

A Mr. Lawton, representing the copper mine owners of Michigan, testified that wages in the ore mines ran from \$3.20 for trammers up to \$3.80 for miners. A member of the committee was heard to exclaim sotto voce: "No wonder they have difficulty in securing employees in the copper mines."

J. A. Emery, who makes a living as attorney for labor-hating employers, appeared on behalf of the National Association of Manufacturers. He said that Americans considered themselves too good to work at common labor or the trades. Representative Raker, a member of the committee, took exception to this statement. He said that

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if Americans had an opportunity to work at a fair wage they were willing and anxious to work. Mr. Emery believes that a commission should distribute the foreigners where they were needed and if they refused to remain there to deport them.

Representatives Siegel of New York and White of Kansas favored lifting the immigration restrictions. Representative Siegel is an aspirant for appointment to the United States Supreme Court. He began his campaign by advocating unrestricted admission of immigrants. It is very evident that the majority of the members of the House Committee on Immigration are opposed to any change in the law at present. Chairman Johnson put witnesses to a critical test as to the alleged necessity for greater immigration.

Representatives of the American Merchant Tailors' Association said they wanted the unrestricted admission of journeymen tailors because they were better workmen than those in this country. They claimed that boys in foreign countries went to work in tailor shops when nine years of age and by the time they were 20 they were all around workmen. They regretted that this country was so far advanced in civilization that practically no state would permit a boy to begin learning a trade until he was at least 14 years of age. Chairman Johnson told them such arguments would not get them very far.

President Gompers appeared at the hearing and was satisfied that none of the testimony was of such a character as to influence the committee to make any change in the law. The enemies of the law, however, are very active.

Representative Perlman of New York introduced a bill (H. R. 13661) January 4, providing that immigrants over 50 years of age and those fleeing from religious persecution would not be required to pass a literacy test, and to make the test easier by having the Secretary of Labor issue uniform printed slips in the language or dialect of the prospective immigrant.

Representative Sanders of Texas introduced a bill (H. R. 13713) January 8, which provides for the total exclusion of immigrants or absolutely prohibiting all immigration.

Senator Colt of Rhode Island, a state which is noted for the great number of child workers, introduced a bill (S. 4303) January 9, which provides that when certain classes of laborers cannot be obtained in this country the Secretary of Labor shall contract for such workers in a foreign country.

Other bills introduced are H. R. 13678 by Representative Box of Texas, to reduce the quota to 2 per cent and continue all provisions and restrictions in the present law. H. R. 13234 by Representative Rainey of Alabama, for a permanent restriction of alien immigrants not to exceed 2 per cent and giving preference to blood relatives. S. Res. 384 by Senator Ransdell of Louisiana, proposes a committee of three members of the Senate Committee on Immigration to investigate if modifications of the present 3 per cent law are advisable. H. R. 13269 by Representative White of Kansas provides for admission in excess of quota of refugees from Turkish Territory in Europe and Asia Minor who are blood relatives of nationals now here. H. R. 13417 by Representative Rainey of Alabama, provides that all aliens shall be required to register annually with the United States Marshal of the district in which they reside. H. Res. 476 by Representative Cable of Ohio supplements the literacy test for immigrants with the intelligence test used by the War Department.

And in the face of the clamor for greater immigration the Secretary of the Department of Labor recently declared that there are now more than 3,000,000 workers in the United States unemployed.

#### Prohibition's Twilight Zone.

Senator Spencer of Missouri introduced a bill

(S. 4269) January 3, 1923, providing for the appointment by the President of a commission of seven persons, two to be women, who in his judgment are qualified to investigate and determine as far as possible "what alcoholic content in a beverage, under a fair and reasonable interpretation, makes the beverage intoxicating."

Representative O'Brien of New Jersey introduced a bill (H. R. 13127) December 4, providing that in the meaning of the Eighteenth Amendment intoxicating beverages meant beer or porter containing 7 per cent or more of alcohol and wine or spirits containing 15 per cent or more. Heavy taxes for both beers and wines are provided.

#### Compulsory Labor.

Representative Ogden L. Mills of New York introduced H. R. 13522, December 20, which provides for the enforcement of written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the states or territories, or with foreign nations. Stripped of its verbiage it provides for compulsory labor both on land and on sea. If enacted into law, it would repeal the act which made seamen free to quit work in safe harbor. It would re-establish slavery for seamen.

#### Relief for Farmers.

Several bills are before Congress having for their purpose the stabilization of prices of farm products and to extend credits for the relief of the farmers. We appeared before the Committee on Agriculture of the House and urged that all legislation that was really an aid to farmers recovering from the depressed conditions of that industry, be enacted.

SAML. GOMPERS,

President American Federation of Labor.

#### NEW ANTI-UNION PLAN.

At South Norwalk, Conn., the proprietor of the Gabbe Fur Dressing Shop has originated a new brand of anti-unionism, which has resulted in a strike of organized fur workers.

According to a contract this anti-union shop would enforce, it would have the right to discharge at will, but if a worker quits his employment he must not accept any employment within a radius of 250 miles.



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## OUR COURTS AND THEIR POWER.

By John R. Ford, Justice New York State Supreme Court.

Scarcely had the child labor law taken effect when an inferior federal judge in North Carolina declared it unconstitutional. An appeal was taken and the case was finally decided in 1918 by the Supreme Court, which confirmed the unconstitutionality of this great humane enactment. The court decided five to four, Justice Holmes writing a strong dissenting opinion, which was concurred in by Justices McKenna, Brandeis and Clarke. (Hammer v. Dagenhart, 247 U. S., 251.)

Thus again the vote of one man thwarted the popular will and presumed to declare and fix the public policy of the country upon this fundamental question of safeguarding the health and morality of the nation's childhood.

Again the forces of righteousness took up the work. A new bill was framed which in the highest expert opinion overcame the objections to the validity of the former measure. It passed the Congress and the President signed it. It in turn was declared unconstitutional on the authority of the Dagenhart case (Bailey v. George, decided May 15, 1922.) This time Chief Justice Taft wrote the prevailing opinion. He speaks with the voice of a sovereign when he declares:

"It is the high duty and function of this court in cases regularly brought to its bar to decline to recognize or enforce seeming laws of Congress, dealing with subjects not entrusted to Congress, but left or committed by the supreme law of the land to the control of the states. We cannot avoid the duty, even though it requires us to refuse to give effect to legislation designed to promote the highest good."

Where, I ask, is the seat of sovereign power in this government under that doctrine? Is it not in these nine men appointed by the President for life who constitute the Supreme Court?


It may be said that men of such exalted character as our Supreme Court justices are assumed to be can be depended upon to keep within the true intent and meaning of the Constitution. To that I answer, they are only men, human, errant, selfish, like the rest of us. The argument is that which has always been urged in defense of benevolent despotism. They are no more bound to respect the Constitution than are the members of the Congress who pass the law and the President who signs it. All are alike solemnly sworn to support the Constitution. Why should this court have power to override the legislature and executive branches of the government? Nowhere does the Constitution give them such power and, as has been shown, the convention which framed the Constitution repeatedly rejected the proposition to give them such power in any form.

The restraint they imposed on Congressional action was the veto of the President and the requirement of a two-thirds vote to override his veto.

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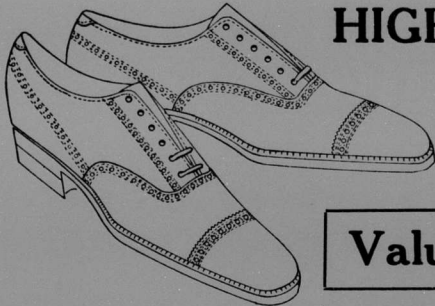


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## Brief Items of Interest

The following members of San Francisco unions died during the past week: Frank D. Clark of the painters, Frederick Ekengren of the machinists, Carl A. Graves of the plumbers, Irving W. Wood of the marine engineers, Conrad Gunderson and Michael McCormick of the painters, George W. Cavanaugh of the office employees.

Cracker Bakers' Union No. 125 has elected P. C. McGowan and F. C. Burke delegates to the San Francisco Labor Council for the ensuing term.

Bookbinders and Bindery Women's Union will be represented in the Labor Council the next six months by the following delegates: Thomas P. Garrity, August Halling, Francis McCarthy, Ella Wunderlich, Loretta Kane.

By unanimous vote the Labor Council has indorsed the Old Age Pension Bill, sponsored by the Fraternal Order of Eagles, now pending in the California Legislature. The bill provides a state pension of \$360 for each indigent in the state who reaches the age of 70 years, who has been honest and industrious, has never been convicted of a felony, and who has been a resident of California for at least fifteen years.

Fearful that if Assembly Bills 678 and 679 are passed by the California Legislature it will result

in eliminating many positions in the County Recorder's office in every county in California, the Labor Council, upon the recommendation of its Law and Legislative Committee and at the request of the Office Employees' Union, has gone on record as opposed to the proposed measures.

Waiters' Union No. 30 is continuing its weekly donation of \$100 to the striking railway shopmen in California.

During the week the Sausage Makers' Union donated \$10 to the striking railway shopmen.

The Ladies' Auxiliary of the Label Section will entertain at a social and whist party in the Labor Temple on the night of March 6. The public is invited.

The sick benefits paid by Butchers' Union No. 115 have averaged \$70 per week each week since January 1, according to Secretary M. S. Maxwell. This union has indorsed the Old Age Pension Bill sponsored by the Fraternal Order of Eagles.

The local Blacksmiths' Union has indorsed the Old Age Pension Bill of the Fraternal Order of Eagles and is sending a request to every member of the California Legislature to vote for the measure at the coming session of the Legislature, according to Secretary George Mullen.

Federal Employees' Union No. 1 of San Francisco has been advised that five international unions of federal employees have appealed to every member of the House of Representatives for immediate action on the emergency legislation necessary to prevent hardship to the sick and injured government workers all over the United States, who, by Comptroller McCarl's decision, will be deprived of payments awarded them by the United States Employees' Compensation Commission.

Wage increases ranging from 50 cents to \$1 per day are being sought by several local unions for their members employed by the City and County of San Francisco, to take effect at the beginning of the fiscal year, July 1, 1923. The Municipal Street Carmen's Union has adopted a new wage scale and working agreement calling for a wage increase of \$1 per day for motormen and conductors employed by the Municipal Street Railways. The men are now receiving \$5 per day, and want \$6 on and after July 1, 1923. The union has asked the Labor Council to approve the demand for a wage increase and to use its influence with the city officials to get the increase asked. The matter has been referred to the executive committee of the Council. United Laborers' Union No. 1 has petitioned the Board of Public Works for a wage increase of 50 cents per day, beginning July 1, for laborers employed by the City of San Francisco. The laborers are now receiving \$5 per day. A little over a year ago the laborers were receiving \$6 per day and voluntarily accepted a reduction in wages of \$1 per day. The Asphalt Pavers' Union is seeking a wage increase of \$1 per day for its members employed by the City and County of San Francisco. These men voluntarily accepted a wage reduction of \$1 per day a year ago. Now they want their wages restored to the former scale. The Council has indorsed the request of this union for a wage increase.

### UNFAIR TO TOBACCO WORKERS.

In a circular letter from the Tobacco Workers' International Union, the trade union public is being informed that all union-made tobacco products must bear the union label on the package. The following tobaccos and cigarettes do not bear the union label on the package, and are therefore not to be purchased by any trade unionist who desires to patronize and employ members of the Tobacco Workers' International Union, as they are unfair to them, to-wit:

Dill's Best, and all Dill's goods.

Central Union.

Epicure.

Edgeworth, and all Larus & Bros. goods.

Relu Cigarettes.

Jumbo Cigarettes.

### IMPORTANT MEETING.

The Law and Legislative Committee of the Labor Council will meet in the Labor Temple, Saturday evening, March 3rd, at 8 p. m. for the purpose of discussing with representatives of interested unions the proposal to formulate plans for the amendment or repeal of the local Anti-Picketing Ordinance.

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